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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,984	02/09/2004	Morimasa Yoneoka	114141-016	1296

43793 7590 07/28/2005

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EXAMINER

VOGELBACKER, MARK T

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/775,984

Applicant(s)

YONEOKA, MORIMASA

Examiner

Mark T. Vogelbacker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/09/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 1, 3, 6 and 7 are objected to because of the following informalities:

Claim 1, line 1, delete "pair of" in the phrase "opposed pair of fastener..." due to repetition.

Claim 1, line 5, "in plane" is non-idiomatic English and cannot be properly understood.

Claim 3, line 4, delete "an" to be consistent with the plural "inwardly-projecting rims".

Claim 6, line 2, change "power" to "powder".

Claim 7, line 3, the word "and" is indefinite language; change to "or" in lieu of "and".

Appropriate correction is required.

Claim 1 is objected to because it includes a reference character, which is not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "are a suitable combination" is indefinite language and should be deleted.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 7, 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda US-6,088,888 in view of Fujimoto US-4,231,137.

Oda discloses a slide fastener(1) comprising a pair of opposed fastener stringers(2) and a slider(7) reciprocally mounted on the fastener stringers(2). Further, Oda teaches a separable end stop comprising a retaining member(20) and an insert member(10) mounted on the lower ends of the fastener stringers(2) and adapted to come into and out of engagement with each other. The retaining member(20) and the insert member(10) have a first and a second rotary plate(17, 31) integrally provided on their respective lower ends and adapted for mutual rotation upon each other to swing the retaining member(20) and the insert member(10) relative to each other. Oda fails to disclose magnetic elements on the rotary plates. Fujimoto teaches a first and second rotary plate(13, 23) having a first and a second circular magnetic element(14, 24) provided in recesses(16, 26). Further, Fujimoto discloses inwardly projecting rims(16, 26) towards the

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center of the clasps with a centrally mounted projection(14) and hole(24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Oda invention with the Fujimoto invention to assist children in connecting the fasteners.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oda in view of Fujimoto as applied to claims 1-4, 7, 9, 10, 12 and 13 above, and further in view of Bauer US-5,953,795.

The difference between claim 5 and the Oda and Fujimoto inventions is the claim recites: magnets or magnetic sheets bonded to the rotary plates. Bauer discloses a magnetic snap lock with a magnetic member(17) which can be, for example, glued onto the base plate assembly(col 3, lns 10-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Oda and Fujimoto inventions to include bonded magnets, as seen in Bauer, that permanently attach the magnets to the rotary plates.

7. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda in view of Fujimoto as applied to claims 1-4, 7, 9, 10, 12 and 13 above, and further in view of Morita US-5,125,134.

The difference between the claims and the Oda and Fujimoto inventions is the claims recite: magnets containing magnetic powder and magnets provided in the shape of a projection and a hole. Morita discloses a magnetic fastener wherein the permanent magnet(1) may be a permanent magnet of ferrite, alnico or rare-earths, or of a hard magnetic powder(col 4, lns 19-21). Further, Morita teaches a projection(3a) protruding from the ferromagnetic member(3) to contact with the projection(2a) at the center of the hole(1a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Oda and

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Fujimoto inventions to include powder magnets of various shapes, as seen in Morita, to create more manufacturing options.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oda in view of Fujimoto as applied to claims 1-4, 7, 9, 10, 12 and 13 above, and further in view of Friedberg, US-Re 31,487.

Oda and Fujimoto disclose the separable end stop fastener with magnetic connections, but fail to teach a partly cut out peripheral wall on one of the rotary plates. Friedberg discloses a sidewall(50) with a rearward portion(52) which provides a cutout portion so that the second rotary plate(28) can move relative to the first rotary plate(48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Oda and Fujimoto inventions to disclose a peripheral wall on the rotary plates, as seen in Friedberg, to assist the user.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Vogelbacker whose telephone number is (571) 272-1648. The examiner can normally be reached on 6:30 am-4:00 pm Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. **Until July 14<sup>th</sup>, the fax phone number for the organization where this application or proceeding is assigned is 703-872-**

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9306; starting July 15<sup>th</sup>, however, the new fax phone number will be (571) 273-8300, please make note.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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